

**Panel 3 - Committee of Adjustment cover letter**

**Subject: Application for minor variance for 952 Bayview Dr. Ottawa**

**Committee of Adjustment**  
Received | Reçu le  
2024-09-03  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

Dear Panel committee 3,

We, Sharon and Paul Drolet, property owners of 952 Bayview Drive, would like to request the approval of a **minor variance for rural Zone V1H of the Zoning by-law 2008-250 Section 69 Setback of Watercourses**. This by-law requires a minimum setback of 30 meters from Normal Highwater mark (NHWM) OR 15 meters from the top of the bank which ever is greater. In our case, the greater is the 30 meters setback. The Normal High-Water Mark (NHWM) used on the attached survey is the generally accepted 59.49M water elevation level in Bucham's Bay.

In addition, per the city planners, City [Official Plan: Section 4. City-Wide Policies \(ottawa.ca\)](#) (**By-law 2021-386, Section 4.9.3 (7)**), states that exceptions to the watercourse setback will only be considered when it is impossible to achieve the minimum setback due to lot size or location or other physical constraints, **which is our case**, provided two conditions are satisfied:

- 1) A 'Planting plan' (attached) is accepted by the city's Environmental Planner to restore ecological function of the site and enhanced through additional vegetation planting to mitigate erosion and stabilize soils, and
- 2) A 'Property survey feasibility and grading plan' (attached) showing that the dwelling and structures are located to an area that improves the setback and do not encroach closer to the watercourse.

Our proposal is to demolish the existing 1962 structure and construct a one storey detached dwelling. From a street view, the driveway access has been located on the LEFT side of the property to take advantage of the higher elevation and provide safe access to the dwelling. Per MVCA (e-mail attached), the lot coverage and location of the new dwelling and septic system look acceptable.

The proposed new dwelling does not cause any adverse impact and preserves the character of the neighbourhood. The development of the new structure will be carried out in accordance with Mississippi Valley Conservation Authority (MVCA) flood proofing standards and approval. The development of a new septic system, which is located further away from the watercourse, will also be carried out in accordance with the Ottawa Septic System Office (OSSO) standard and approval.

We already have provided information and received feedback/documentation consultation from MVCA (Brittany Moy), Panel 3 Committee of Adjustment Planners (Sean Harrigan), the city Planning Forester (Nancy Young) received the requested Tree Information Report (TIR) (attached), our draft Planting Plan (attached) accepted by Mark Elliott of the city, Ottawa Septic System Office discussion, the Constance

Bay/Bucham's Bay Community Association (CBBBCA) e-mail exchange and, finally, informed neighbours and our city Councillor, Mr. Clarke.

Relief required:

We are seeking the approval of the Committee of Adjustment to allow a **reduced water setback to 10.26 meters** which is the distance from the Normal High-Water Mark to the proposed deck structure instead of the 30 Meter required per Section 69. You should note that the adjacent dwelling will be 3 meters further back. Per the survey, the proposed new structures do not encroach closer to the watercourse than the existing dwelling location.

Given the lot size, the location of the NHWM line and the installation of a new septic system, a reduced setback to the new structures is inevitable. It would also look better if the new dwelling is somewhat reasonably aligned with the neighbour's houses.

For your information, the property is protected from the watercourse by a retaining wall structure that is at a 60.16 meter elevation. You should note that starting from this retaining wall, there is only a gentle slope going from the back of the property to the front. From the street view, the right side of the property only has an increase elevation of .08 meter and the left side has an increase elevation of .56 meter.

A variance for lot coverage for Section 232 sub-zone V1H is not required as the dwelling, deck and all structures will be less than the 20% of the area of the lot coverage.

Documentation:

1. Copy of the Application form.
2. Copy of this cover letter.
3. Copy of the Tree Information Report (TIR) submitted to the City Planning Forester (Nancy Young). Including Copy of Tree map submitted to the City Planning Forester (Nancy Young) and Copy of the Planning Forester e-mail correspondence.
4. 1 full-sized copy and 1 reduced copy of the 952 Bayview Drive site survey in metric prepared by Todd Williams of T.A.W Grading Plans with proposed elevation drawings.
5. A draft architectural plan of the new dwelling by Davies Group with multiple views of all sides including height, grade and elevations.
6. Planting plan submitted to the Environmental Planner (Mark Elliott).
7. Geo Ottawa flood plain overlay for 952 Bayview drive and photo of the river view 2024.
8. Copy of the Panel 3 City Planner e-mail correspondence, Mississippi Valley Conservation Authority e-mail correspondence and City Planner correspondence.
9. The application fee.

We believe that this request meets the four tests, as per section 45 of the Planning Act,

(i) is minor in nature

(ii) is appropriate for the use and development of the land, building or structure --

The use of the land remains residential, in keeping with the surrounding land use, and the design of the building is in character with the existing homes in the area.

(iii) adheres to the intent of the City Official plan and

(iv) adheres to the intent of the zoning by-law for Zone V1H.

Based on the above and the attached supporting information, we feel that the Minor Variance is desirable for the proposed residence at 952 Bayview Dr, that the general intent and purpose of the Official Plan and Zoning By-law are maintained, and the variance sought is minor.

We trust the enclosed information is satisfactory. Please do not hesitate to contact us if you require further information.

Kind regards,

Sharon and Paul Drolet